

an initialed copy of the form PTO-1449 be returned to the Applicants. On September 7, 2004, the issue and publication fees were paid in the application. Further, since an initialed copy of the form PTO-1449 included with the IDS of July 1, 2004 still had not been received, a Second Response to Allowance requesting such was also filed on September 7, 2004. Then, a facsimile dated November 16, 2004 including an initialed copy of the form PTO-1449 was received. Based on these facts, the Applicants believe that there are two periods of patent term adjustment reduction that have been omitted.

The first period is a patent term adjustment reduction of 49 days for the filing of the Information Disclosure Statement (IDS) on July 1, 2004. Regarding this, 37 CFR §1.704(c)(8) states:

Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

In consideration of this rule, the Amendment of May 13, 2004 was filed in response to the outstanding Office Action. Then, the IDS was filed on July 1, 2004. It appears that the IDS is classified as an 'other paper' under the rule. Therefore, the period of time between the filing of the Amendment (May 13, 2004) and the filing of the IDS (July 1, 2004) is a patent term adjustment reduction of 49 days.

The second period is a patent term adjustment reduction of 120 days for the filing of the Response to Allowance on July 13, 2004. Regarding this, 37 CFR §1.704(c)(10) states:

Submission of an amendment under §1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

- (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under §1.312 or such other paper; or
- (ii) Four months.

In consideration of this rule, the first Response to Allowance was filed on July 13, 2004 requesting an initialed copy of the form PTO-1449 submitted with the IDS of July 1, 2004. Then, the facsimile dated November 16, 2004 was received from Examiner including the initialed copy of the form PTO-1449. It appears that the first Response to Allowance is classified as an 'other paper' under this rule. Therefore, the period of time between the filing of the first Response to Allowance (July 13, 2004) and the date which the form PTO-1449 was faxed (November 16, 2004) is a patent term adjustment reduction of 126 days. However, under subsection (ii) of the rule, the maximum patent term adjustment reduction appears to be 120 days (i.e., four months).

Therefore, the combination of the 49 day reduction in the first period and the 120 day reduction in the second period results in a total patent term adjustment reduction of 169 days.

It appears that all of the relevant papers mentioned above are listed in PAIR except the facsimile of November 16, 2004. As a result, a copy of the facsimile is enclosed herewith. Based on the above discussion, Applicants believe that the PTA for this application should be reduced from 591 days to 422 days (i.e., a reduction of 169 days).

A check for the statutory fee of \$200.00 is attached.

Respectfully submitted,

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Facsimile Transmission

To: Name: David Ovedovitz
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From: Name: Peter Agustin
Voice Phone: 703 305 8980

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Mr. Ovedovitz,
Please find attached PTO-1449 for SN 09/987384

Date and time of transmission: Nov 16, 2004
Number of pages including this cover sheet: 2

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FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)
(Use several sheets if necessary)

Date Submitted to PTO: July 1, 2004

ATTY DOCKET NO.
2001_1701ASERIAL NO.
09/987,384

O I P E AUG 28 2005

PATENT & TRADEMARK OFFICE

JUL 13 2004

APPLICANT
Takashi INOKUCHI et al.FILING DATE
November 14, 2001GROUP
2652

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
PM	AA	6,519,214	2/2003	Hikima			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
PM	AJ	2000-113463	4/2000	JP			Abstract
	AK						
	AL						
	AM						
	AN						

COPY

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AO	
	AP	
	AQ	

EXAMINER

Peter Vincent Agnati

DATE CONSIDERED

11/16/2004

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of item with next communication to applicant.

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